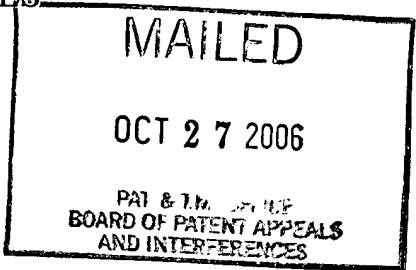


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SCOTT J. BROUSSARD

Application No. 09/870,624



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on October 21, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On April 20, 2006, appellant filed "Response to Notice of Non-Compliant Appeal Brief Mailed March 20, 2006." A review of the file reveals that the "Summary of Claimed Subject Matter," as required by § 41.37(c)(1)(v), is not properly set forth. 37 C.F.R. § 41.37(c)(1)(v) specifies:

(v) ***Summary of claimed subject matter.*** A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

As indicated, the disclosure must be mapped to the independent claims, here claims 1, 10, and 18, including appropriate reference characters.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to hold the Appeal Brief of April 20, 2006 defective;
- 2) notify applicant to file a substitute Appeal Brief in compliance with the 37 CFR § 41.37;

- 3) for the examiner to consider the substitute Appeal Brief, and if necessary, vacate the examiner's answer mailed July 17, 2006, and issue a revised Examiner Answer in accordance with the new rules effective September 13, 2004; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: G P Eggle for Dale Shaw
DALE M. SHAW
Deputy Chief Appeals Administrator
(571) 272-9797

DMS/dal

DAFFER MCDANEIL, LLP
P.O. BOX 684908
AUSTIN, TX 78768